



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

In re Application of:
Warren F. Schmalenberger

Serial No.: 09/442,819

Filed: November 18, 1999

For: **CAPITAL
MARKET INDEX**

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Atty Docket No.: SCHC,002

Examiner: D.S. Felten

Group Art Unit: 3693

COMMISSIONER OF PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

CERTIFICATE OF MAILING (37 C.F.R. 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313.

Mark R. Wisner, Registration No. 30,603

August 7, 2008

Date

**REQUEST FOR REINSTATEMENT AND/OR
WITHDRAWAL OF ABANDONMENT**

Dear Sir:

Applicant is in receipt of the Notice of Abandonment dated March 28, 2008 in the captioned application. This Notice indicates that the application was abandoned because of "Applicant's failure to timely file a proper reply to the Office letter mailed on 20 September 2007." Applicant respectfully requests reinstatement of the application on the following basis.

Applicant filed the following documents, with a properly executed certificate of mailing under 37 C.F.R. 1.8(a), on March 20, 2008:

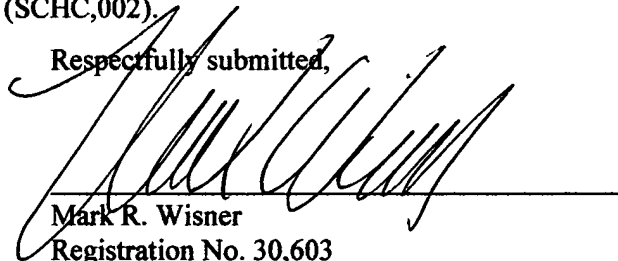
- Response to Official Action of September 20, 2007;
- Transmittal of Amendment; and
- Request for (three-month) Extension of Time with Applicant's Check No. 4176 in the amount of the \$525.00 fee for a three-month extension of the time to respond.

Receipt of the above-listed documents by the Office was acknowledged by date stamp on the return postcard included with those documents at the time of filing. Copies of the above-listed documents are enclosed for the convenience of the Office, as is a copy of the PTO-stamped postcard indicating the Office's acknowledgement of receipt.

Two telephone calls to the Examiner inquiring as to reinstatement prompted no action to reinstate this application, nor did a telephone inquiry to the Office's Customer Service line cause the Office to act in the case. Applicant therefore files this written Request for withdrawal of the Notice of Abandonment of the application, reinstatement of the application, entry of the amendments outlined in Applicant's Response to Official Action of September 20, 2007 and consideration of the remarks set out therein, reconsideration and withdrawal of the rejections, and passage of the application to issuance.

Although there should not be any fee for this request for reinstatement, in the unforeseen event a fee is assessed, the Commissioner is authorized to charge the Deposit Account of Wisner & Associates, Account No. 50-0965 (SCHC,002).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark R. Wisner', is written over a horizontal line.

Mark R. Wisner

Registration No. 30,603

1177 West Loop South, Suite 400

Houston, Texas 77027-9012

Telephone: (713) 785-0555

Facsimile: (713) 785-0561

ATTORNEY FOR APPLICANT(S)

Date: August 7, 2008



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In re Application of:
Warren F. Schmalenberger

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Atty Docket No.: SCHC,002

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MAIL STOP AMENDMENT
COMMISSIONER OF PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

CERTIFICATE OF MAILING (37 C.F.R. 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313.

Mark R. Wisner, Registration No. 30,603

March 20, 2008
Date

TRANSMITTAL OF AMENDMENT

COPY

Transmitted herewith is an amendment in the above-identified application.

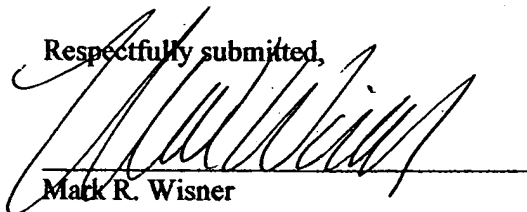
The fee has been calculated as shown below:

| FOR | CLAIMS PAID FOR | TOTAL CLAIMS | EXTRA CLAIMS | RATE | TOTAL |
|--------------------|--------------------|-----------------|-----------------|-------------|----------|
| Total Claims | 32 | 32 | - 0 - | \$50/\$25 | \$ - 0 - |
| Independent Claims | 3 | 3 | - 0 - | \$200/\$100 | \$ - 0 - |
| TOTAL FEE DUE: | | | | | \$ - 0 - |

- ☐ Also enclosed is a Request for Continued Examination under 37 C.F.R. 1.114.
- ☒ Also enclosed is a Request for a (three-month) Extension of Time.
- ☐ Please charge the \$ ___ fee required for ___ to the Deposit Account of Wisner & Associates, Account No. _____. (_____).
- ☒ A check in the amount of \$525.00 is enclosed to cover the required fee for a three-month extension of time.
- ☐ A Form PTO-2038 is enclosed, authorizing the charge of the \$ _____ required fee for a _____-month extension of time to respond and the \$ _____ fee for _____ to the credit card specified thereon.

- ☒ The Commissioner of Patents is hereby authorized to draw on the Deposit Account of Wisner & Associates, Account No. 50-0965 (SCHC,002), if there are charges for entry of the enclosed amendment, if any accompanying check or Form PTO-2038 is unsigned or insufficient in amount, or if any accompanying check or Form PTO-2038 listed as being enclosed is inadvertently not attached to this paper.
- ☒ Please date stamp and return the attached postcard to confirm receipt of this amendment.

Respectfully submitted,



Mark R. Wisner

Registration No. 30,603

Wisner & Associates

1177 West Loop South, Suite 400

Houston, Texas 77027-9012

Telephone: (713) 785-0555

Facsimile: (713) 785-0561

ATTORNEY FOR APPLICANT

Date: March 20, 2008

DORCHESTER CAPITAL MANAGEMENT CO.

170 WARRENTON DR.
HOUSTON, TX 77024

4176

DATE

March 19, 2008

35-1125/1130
06

PAY
TO THE
ORDER OF

*Commission for Patents
five hundred & twenty-five*

\$ 525.00

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FOR

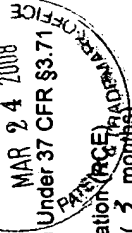
Norm F. Chodura

COPY

DOCKET NO.: 55AC 402
SERIAL NO.: 09/442819
FILED: 3/18/08
APPLICANT: W.F. SOMA LONER

The Patent & Trademark Office acknowledges receipt of, and has stamped hereon the date of receipt of, the items checked below, which were mailed on 3/18/08

- ☐ Affidavit
☐ Appeal - ☐ Notice ☐ Brief
☐ Patent Application ☐ Utility ☐ Provisional
Cover Sheet (___ page) Specification (___ pages)
Claims (___ pages) Total Claims ___ Indep. Claims ___
Abstract: (1 page) Oath ☐ Declaration ☐ Unexecuted ☐
___ Sheets of Drawing(s) Formal ☐ Informal ☐
☐ Assignment and Recordation Cover Sheet
☐ Certificate Under 37 CFR §3.73
☐ Declaration (including Power of Attorney ☐
☐ Information Disclosure Stmt - Form 1449 (with references)
☐ Issue Fee Transmittal Form (Part B) with Issue Fee pmt \$ ___
☐ Advance Order Copies (___ copies) with payment \$ ___
☒ Letter, Transmittal
☐ Power of Attorney
☐ Power of Attorney with Election Under 37 CFR §3.71
☐ Publication Fee \$ ___
☐ Request for Continued Examination (RCE)
☒ Request for Extension of Time (___ months)
☐ Request for
☐ Response to
☒ Response to Official Action of 2007
☒ Check # 4176 in the amount of \$ 525.00
☐ PTO Form 2038 authorizing charge to credit card for \$ ___
Other: ☐
Other: ☐
Other: ☐



Express Mail # _____